

**DISTRICT JUDGE'S MINUTES  
IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA – TUCSON**

**U.S. District Judge:** Raner C. Collins

**Date:** June 30, 2017

**USA v. Lonnie Ray Swartz**

**Case Number: CR-15-01723-001-TUC-RCC (DTF)**

**Assistant U.S. Attorney:** Mary Sue Feldmeier and Wallace Kleindienst

**Attorney for Defendant:** Sean Chapman and Jaime Calle, Retained

**Attorney for Victim's Family:** Luis Parra

**Court Reporter:** Erica McQuillen

**Deputy Clerk:** Sherry Gammon

**Interpreter:** N/A as to the defendant. Spanish interpreter Sandy Frady assists the victim's family.

**Defendant:** ☒ Present    ☐ Not Present    ☒ Released    ☐ Custody    ☐ Summons    ☐ Writ

**MOTION HEARING:**

Matter comes before the Court for a continued Motion Hearing (Day 4).

The Motion in Limine Re: Drug Expert and Images Concerning Unrelated Rocking and Drug Trafficking Activity (Doc. 170) filed by the Government is argued by Mr. Kleindienst and Mr. Chapman.

The Motion in Limine Re: "Use of Force" Testimony (Doc. 152) filed by the defendant is argued by Mr. Chapman and Mr. Kleindienst. Counsel inform the Court the Government will not offer opinion #3 and opinion #4.

The Motion for Witness List (Doc. 172) filed by the defendant is argued by Mr. Chapman and Mr. Kleindienst. Defense counsel requests the Court order a good faith effort be made to disclose a witness list 6 weeks prior to trial.

Recess taken 10:30 a.m. – 10:47 a.m.

As to the sealed Motion to Dismiss Indictment (Doc. 157) filed by the defendant, Mr. Chapman submits on the briefing. Ms. Feldmeier makes a clarifying argument. The Government provides the Court with a copy of the Grand Jury transcripts and will, by the end of the week, provide *in camera* pleading to the Court with tab number and page number for the Court's use to review independent witness evidence.

The Government informs the Court their forensic expert is present to provide rebuttal testimony to defense expert Grant Fredericks as to the continued motion hearing re Motion to Determine Admissibility of Video Evidence (Doc. 94) filed by the defendant. Mr. Calle objects to the witness testimony and informs the Court he had indicated the defendant would not be prepared to proceed on that issue this date. The Court will allow the Government to call the witness and will then allow the

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defendant an opportunity to either cross examine the witness or have the matter addressed at a future hearing.

11:05 a.m. – Government’s witness, Chad Steel, is sworn and examined by Ms. Feldmeier.

11:26 a.m. – Defense counsel declines to cross examine the witness until he has had an opportunity to consult his expert.

**IT IS ORDERED** defense counsel shall contact chambers by 7/14/2017 to inform the Court how he intends to proceed.

The Court takes motions (doc. 170), (doc. 152), (doc. 172) and sealed motion (doc. 157) **UNDER ADVISEMENT. IT IS FURTHER ORDERED** the sealed Motion for Clarification Regarding Order re: 154 (Doc. 167) is MOOT.

Proceedings recess at 11:25 a.m. Further Motion Hearing continues to a future date to be determined.

**Motion hearing**  
**1 hour 43 minutes**  
**Start: 9:25 AM**  
**Stop: 11:25 AM**